



# California Regulatory Notice Register

REGISTER 2006, NO. 22-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 2, 2006

## PROPOSED ACTION ON REGULATIONS

### TITLE 2. STATE ALLOCATION BOARD

*Leroy F. Greene School Facilities Act of 1998 — Notice File No. Z06-0523-05* ..... 683

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Oak Mortality Disease Control — Notice File No. Z06-0523-02* ..... 686

### TITLE 4. CALIFORNIA HORSE RACING BOARD

*Coupling of Horses — Notice File No. Z06-0523-03* ..... 688

### TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARD BOARD

*— Notice File No. Z06-0516-09* ..... 691

*Construction Safety Orders — Chromium (VI)*

*General Industry Safety Orders — Airborne Contaminants*

*Ship Building, Ship Repairing, and Ship Breaking Safety Orders —*

*Hexavalent Chromium*

*Construction Safety Orders — Excavations, General Requirements*

### TITLE 13. AIR RESOURCES BOARD

*Off-Highway Recreational Vehicles — Notice File No. Z06-0523-04* ..... 698

### TITLE 14. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

*Household Hazardous Waste Elements — Notice File No. Z06-0522-01* ..... 701

### TITLE 23. DEPARTMENT OF WATER RESOURCES

*Yuba Feather Flood Protection Program — Notice File No. Z06-0522-02* ..... 704

### TITLE 24. BUILDING STANDARDS COMMISSION

*California Historical Building Code — Notice File No. Z06-0523-01* ..... 707

(Continued on next page)

***Time-  
Dated  
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

*List of Prospective Contractors Ineligible to Enter Into State Contracts* ..... 710

DEPARTMENT OF FOOD AND AGRICULTURE

*Standardization Assessment Rates* ..... 710

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State ..... 712

Sections Filed, December 21, 2005 to May 24, 2006 ..... 717

---

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson-West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

### TITLE 2. STATE ALLOCATION BOARD

#### NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND SEVEN REGULATION SECTIONS, ALONG WITH AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend seven regulation sections, along with an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

#### AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing amendments to seven regulation sections under the authority provided by Sections 17070.35 and 17075.15 of the Education Code. The proposals interpret and make specific reference to Sections 17052, 17070.35, 17070.51, 17071.10, 17071.25, 17071.75, 17071.76, 17072.10, 17072.20, 17072.25, 17074.10, 17077.40 and 17078.27 of the Education Code.

#### INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At the January 25, 2006 meeting, the SAB adopted emergency regulatory amendments necessary to implement Assembly Bill (AB) 491, Chapter 710, Statutes of 2005. The purpose of AB 491 is to facilitate the continued relief of overcrowding at school campuses through the SFP. The SFP permits school districts to apply for new construction funding using a five-year projection of enrollment known as the Cohort Survival Enrollment Projection System. No other projection method is allowed. AB 491 and the proposed amendments allow eligible districts to apply by way of using an alternative enrollment projection method in order to establish sufficient new construction eligibility to build school facilities. To be eligible for funding, school districts must have two or more sites each with pupil population density greater than 115 pupils per acre for kindergarten through grade six, and 90 pupils per acre for grades 7 through 12.

The proposed amendments set a limit of \$500 million of new construction funding from the Kindergarten–University Public Education Facilities Bond Act of 2004 for projects utilizing eligibility generated by approved alternative projection methods.

The proposed amendments list the documents required for submittal of alternative enrollment projections. All requests must be reviewed and approved by the Demographic Research Unit (DRU) of the Department of Finance, and the Office of Public School Construction (OPSC). School districts must demonstrate that funding applications using the additional eligibility generated by the alternative projections will relieve overcrowding, including the elimination of the use of Concept 6 calendars; four track year-round calendars; or bussing in excess of 40 minutes. The amendments are summarized as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments add the definitions of “Alternative Enrollment Projection” and “Demographic Research Unit” as specific terms essential to these regulations.

Existing Regulation Section 1859.40 specifies that a school district's enrollment data reported on Form SAB 50-01 shall serve as the basis for determining the district's eligibility for new construction funding. The proposed amendments permit a district which meets the pupil population density and other criteria in Education Code Section 17071.75(a)(1) to submit an Alternative Enrollment Projection request to the OPSC and DRU, and sets forth the data and documentary requirements for districts to support their enrollment projections.

Existing Regulation Section 1859.51 provides adjustment factors that increase or decrease a school district's baseline eligibility for new construction. The proposed amendment adds an additional factor that requires a baseline adjustment for the difference between the approved Alternative Enrollment Projection versus the Cohort projection for the current enrollment reporting year, or by the eligibility remaining from this calculation that can no longer be utilized if available funds are exhausted.

Existing Regulation Section 1859.70 sets forth general guidelines for school districts to apply for SFP new construction or modernization funding. The proposed amendment specifies that applications for funding based upon Alternative Enrollment Projections must be submitted after a request for review of the Alternative Enrollment Projection.

Existing Regulation Section 1859.93.1 specifies that applications for new construction projects shall be funded in the order of receipt of an Approved Application for funding, with two exceptions. The proposed amendment adds a third exception that new construction projects utilizing pupil eligibility from Alternative Enrollment Projections shall be funded in the order of receipt of Approved Applications once the OPSC and the DRU have approved the Alternative Enrollment Projection or annual update thereto.

Existing Regulation Section 1859.95 provides that despite the SAB having no available funds to apportion, or an application not qualifying for funding due to its priority point calculation, SFP applications for eligibility determinations and applications for apportionments may still be accepted and processed. The proposed amendments exclude from such continued processing the submittal of requests for Alternative Enrollment Projections and new construction funding applications based upon Alternative Enrollment Projections, which will instead be returned to submitters once \$500 million has been approved for these projects or the available funds have been exhausted.

Existing Regulation Section 1859.147 provides the criteria for school districts and high school attendance areas to convert their Critically Overcrowded School (COS) Facilities Program Preliminary Apportionment to a Final Apportionment, by evidencing sufficient new

construction eligibility at the time of conversion, by utilizing current year enrollment or pupil residency in lieu of demonstrating eligibility with the Cohort projection. The proposed amendment deletes a specific State school bond funding source from the eligibility criteria, thus enabling all such projects, regardless of funding source, to seek to utilize alternative enrollment methods.

Existing Form SAB 50-04, *Application for Funding*, is submitted by school districts seeking State funding for new construction or modernization projects. The proposed amendments add the requirement for supporting justification for a new construction adjusted grant based on eligibility derived from an Alternative Enrollment Projection, that the project relieves overcrowding, including the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes. Districts must update their Alternative Enrollment Projections to correspond with the California Basic Educational Data System (CBEDS) enrollment data for the current year. A data field is added to the Form for districts to set forth by grade level the number of pupils generated by using an Alternative Enrollment Projection.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

#### ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.

- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects under the SFP.

#### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than July 17, 2006, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation  
Coordinator

Mailing Address: Office of Public School  
Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 445-5526

#### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

#### ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

#### SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

#### RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.



As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

## TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3700(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action on April 11, 2006. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action to the Office of Administrative Law no later than August 8, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to

the action proposed to the agency officer named below on or before July 17, 2006.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

The emergency amendment of Section 3700(c), Oak Mortality Disease Control, established the following as regulated under the articles and commodities covered as "associated hosts:" *Acer circinatum* (vine maple), *Arctostaphylos columbiana* (manzanita) and *Rosa* "Meidiland" (a hybrid rose).

The effect of this emergency amendment to the regulation was to provide authority for the State to regulate the movement of additional associated hosts and potential carriers of the disease from the regulated area in order to prevent artificial spread of the pest to non-infested areas within California. There is no existing, comparable federal regulation or statute.

### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3700(c) does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under regulation has a duty to enforce Section 3700. No reimbursement is required for Section 3700 under Section 17561 of the Government Code because the agricultural commissioners of the affected counties requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

## EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant state-wide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

## COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of amending the regulation on a representative private person or business is not expected to be significantly adverse. The agency is not aware of any new cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new businesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

## ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## AUTHORITY

The Department amended Section 3700(c) pursuant to the authority vested by Sections 407, 5321, and 5322 of the Food and Agricultural Code of California.

## REFERENCE

The Department amended Section 3700(c) to implement, interpret and make specific Sections 24.5, 5321, and 5322, Food and Agricultural Code; Sections 11425.50 and 11440.10, Government Code; and Section 1084 *et seq.*, Code of Civil Procedure.

## EFFECT ON SMALL BUSINESSES

The amendment of this regulation may affect small businesses.

## CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

## INTERNET ACCESS

The Department has posted on its Internet website ([www.cdfa.ca.gov/plant/index.html](http://www.cdfa.ca.gov/plant/index.html)) the information regarding this proposed regulatory action. Select "Proposed Changes in Regulations for Plant Health and Pest Prevention Services" and then section number(s).

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

## TITLE 4. CALIFORNIA HORSE RACING BOARD

TITLE 4, CALIFORNIA CODE OF REGULATIONS  
 NOTICE OF PROPOSAL TO REPEAL  
 RULE 106. COUPLING OF HORSES  
 RULE 1974. WAGERING INTEREST AND AMEND  
 RULE 1420. DEFINITIONS  
 RULE 1954.1. PARLAY WAGERING ON WIN, PLACE OR SHOW  
 RULE 1957. DAILY DOUBLE  
 RULE 1959. SPECIAL QUINELLA (EXACTA)  
 1976. UNLIMITED SWEEPSTAKES  
 1976.8. PLACE PICK (N)  
 1976.9. PICK (N) POOL  
 1977. PICK THREE  
 1978. SELECT FOUR  
 1979. TRIFECTA  
 1979.1. SUPERFECTA

The California Horse Racing Board (Board) proposes to repeal two of the regulations described below and amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

### PROPOSED REGULATORY ACTION

The Board proposes to repeal Rule 1606, Coupling of Horses. The repeal of Rule 1606 will eliminate the practice of coupling horses as a single wagering interest and as an entry when the same person or persons owns them in whole or in part. In addition the Board proposes to repeal Rule 1974, Wagering Interest and place the definition of wagering interest in an amended Rule 1420, Definitions. The Board also proposes to amend pari-mutuel wagering rules that refer to coupling of horses and Rule 1974. The pari-mutuel regulations the Board proposes to amend are: Rule 1957, Daily Double; Rule 1959, Special Quinella (Exacta); Rule 1954.1, Parlay Wagering on Win, Place or Show; Rule 1976, Unlimited Sweepstakes; Rule 1976.8, Place Pick (n); Rule 1976.9, Pick (n) Pool; Rule 1977, Pick Three; Rule 1978, Select Four; Rule 1979, Trifecta and Rule 1979.1, Superfecta.

### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, July 20, 2006**, or as soon after that as business before the Board will permit, at the **Del Mar**

**Satellite Wagering Facility, 2260 Jimmy Durante Boulevard, Del Mar, California.** At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on July 17, 2006**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
 California Horse Racing Board  
 1010 Hurley Way, Suite 300  
 Sacramento, CA 95825  
 Telephone: (916) 263-6397  
 Fax: (916) 263-6042  
 Email : [HaroldA@chrb.ca.gov](mailto:HaroldA@chrb.ca.gov)

### AUTHORITY AND REFERENCE

Rule 1420: Authority Cited: Sections 19440, 19562 and 19563, Business and Professions (B&P) Code. Reference: Sections 19401(e) and 19420, B&P Code.

B&P Code Sections 19440, 19562 and 19563 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19401(e), and 19420, B&P Code.

Rule 1954.1: Authority Cited: Sections 19440 and 19590, B&P Code. Reference: Sections 19594 and 19597, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19594 and 19597, B&P Code.

Rules 1957, 1959, 1976, 1977, 1978, 1979 & 1979.1: Authority Cited: Sections 19440 and 19590, B&P Code. Reference: Section 19594, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific Section 19594, B&P Code.

Rules 1976.8 & 1976.9: Authority Cited: Sections 19440 and 19590, B&P Code. Reference: Sections 19593 and 19594, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific Section 19593 and 19594, B&P Code.



## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions (B&P) Code Section 19401(e) states the purpose of B&P Code, Chapter 4, is to allow pari-mutuel wagering on horse races while providing uniformity of regulation for each type of horse racing. B&P Code Section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. B&P Code Section 19440 states the Board shall have all powers necessary and proper to enable it to carry out the purposes of Chapter 4, B&P Code. Responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horse racing with pari-mutuel wagering, and administration and enforcement of all laws, rules and regulations affecting horse racing and pari-mutuel wagering. B&P Code Section 19562 states the Board may prescribe rules, regulations and conditions, consistent with the provisions of Chapter 4, B&P Code, under which all horse races with wagering on their results shall be conducted in California. B&P Code Section 19563 states the Board may adopt any rules and regulations of the United States Trotting Association, not inconsistent with Chapter 4, B&P Code, for the regulation of harness racing. B&P Code Section 19590 provides that the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. Pari-mutuel wagering shall be conducted only by a person licensed under Chapter 4 to conduct a horse racing meeting, and only within the enclosure and on the dates for which horse racing has been authorized by the Board. B&P Code Section 19593 states no method of betting, pool making, or wagering other than by the pari-mutuel method shall be permitted or used by any person licensed under this chapter to conduct a horse racing meeting. B&P Code Section 19594 states any person within the inclosure where a horse racing meeting is authorized may wager on the result of a horse race held at that meeting by contributing his money to the pari-mutuel pool operated by the licensee under Chapter 4, B&P Code. B&P Code Section 19597 provides that a person licensed under Chapter 4 to conduct a horse racing meeting shall, as to any payment made to a person who has wagered by contributing to a pari-mutuel pool operated by such licensee, also deduct the applicable breakage, as defined by Section 19405.

If the same person or persons have ownership interest in two or more horses entered in a race, the Board requires the coupling of such horses as a single wagering interest and as an entry. A wager on a coupled entry in-

cludes every horse in the wagering interest, so the wager remains valid if one horse is declared or withdrawn. The patron who has wagered on such an entry is left with a wager on the remaining horse. This practice can leave a patron who has made a multiple race wager with a wager they cannot cancel, and a horse he might not have selected if it had been a single wagering interest. A number of patrons consider this practice "unfair" and would rather see their wagers canceled. After considering alternatives, the Board proposes to repeal Rule 1606, Coupling of Horses. This would have the effect ending the practice of coupling horses. Patrons would no longer have the risk of being stuck with a wager they would not have made because the horse they were wagering on was declared or withdrawn from the entry. Instead, patrons would make wagering decisions with all available information, including the knowledge that the same person or persons own more than one horse in the field, as information regarding the ownership of a horse is printed in the official program.

The proposed repeal of Rule 1606 will affect other Board regulations. Rule 1974 provides a definition of wagering interest. If coupling were eliminated, a wagering interest would then be defined as "any one horse entered in a race." The Board believes this makes Rule 1974 unnecessary, and the single sentence definition of wagering interest can be added to Rule 1420, Definitions; therefore, the Board proposes to amend Rule 1420 to add a new Subsection 1420(aa), which will provide a definition of wagering interest. Board rules authorizing specific types of pari-mutuel wagers have subsections that address an entry of coupled horses or horses coupled to constitute the field. In addition, many of the same rules reference Rule 1974. To accommodate the repeal of Rule 1606 and Rule 1974, the Board proposes to amend Rule 1957, Daily Double; Rule 1959, Special Quinella (Exacta); Rule 1954.1, Parlay Wagering on Win, Place or Show; Rule 1976, Unlimited Sweepstakes; Rule 1976.8, Place Pick (n); Rule 1976.9, Pick (n) Pool; Rule 1977, Pick Three; Rule 1978, Select Four; Rule 1979, Trifecta and Rule 1979.1, Superfecta. The proposed amendment to these rules will eliminate references to coupling of horses and Rule 1974. In addition, the proposed amendments will reorganize subsections, correct grammar, and make other changes for purposes of clarity.

## DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed repeal of Rule 1606 and Rule 1974, and the amendment of Rules 1402; 1957; 1959; 1954.1; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed repeal of Rule 1606 and Rule 1974, and the amendment of Rules 1402; 1957; 1959; 1954.1; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposed repeal of Rule 1606 and Rule 1974, and the amendment of Rules 1402; 1957; 1959; 1954.1; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. Rule 1606 and Rule 1974 address coupling of horses and the definition of wagering interest. Rules 1402; 1957; 1959; 1954.1; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 authorize specific types of pari-mutuel wagering in California.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative that is considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed texts of the regulations, the initial statement of reasons, the modified texts of the regulations, if any, and other information upon which the rulemaking is based should be directed to

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-Mail: [HaroldA@chrb.ca.gov](mailto:HaroldA@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager  
Policy and Regulation Unit  
Telephone: (916) 263-6041

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed texts of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed texts, the modified texts — with changes clearly marked — shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulations in their current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulations, and the initial statement of reasons. The Board's Internet address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

### NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **July 20, 2006**, at 10:00 a.m. in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California 92101.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **July 20, 2006**, following the Public Meeting in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California 92101.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupa-

tional safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **July 20, 2006**, following the Public Hearing in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California 92101.

At the Business Meeting, the Board will conduct its monthly business.

## DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

### NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders; General Industry Safety Orders; and Ship Building, Ship Repairing, and Ship Breaking Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **July 20, 2006**.

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**

Chapter 4, Subchapter 4, Article 4  
New Section 1532.2

**GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7  
Article 107, Section 5155 and  
Article 110, New Section 5206

**SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS**

Chapter 4, Subchapter 18, Article 4  
New Section 8359

**Hexavalent Chromium**

2. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**

Chapter 4, Subchapter 4, Article 6  
Section 1541

**Excavations, General Requirements**

A description of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**

Chapter 4, Subchapter 4, Article 4  
New Section 1532.2

**GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7  
Article 107, Section 5155 and  
Article 110, New Section 5206

**SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS**

Chapter 4, Subchapter 18, Article 4  
New Section 8359

**Hexavalent Chromium**

INFORMATIVE DIGEST OF PROPOSED  
ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt standards at least as effective as federal standards addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated standards addressing Hexavalent Chromium, Cr(VI) on February 28, 2006, as 29 Code of Federal Regulations, Sections 1910.1026, 1915.1026, 1926.1126. The Board is relying on the explanation of the provisions of the federal standards in Federal Register, Volume 71, No.

39, pages 10100–10385, February 28, 2006, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt standards which are the same as the federal standard except for editorial and format differences.

The OSHA final rule establishes an 8 hour time-weighted average (TWA) Permissible Exposure Limit (PEL) of 0.005 milligrams of Cr(VI) per cubic meter of air (0.005mg/m<sup>3</sup>). This PEL of 0.005 mg/m<sup>3</sup> is equivalent to 5 micrograms per cubic meter of air (5ug/m<sup>3</sup>). The previous PEL was 0.052 mg/m<sup>3</sup>. OSHA is establishing three separate standards covering occupational exposures to Cr(VI) for: (1) general industry (29 CFR 1910.1026); (2) shipyards (29 CFR 1915.1026), and (3) construction (29 CFR 1926.1126). The final rule also contains ancillary provisions for exposure determination, methods of compliance, respiratory protection, protective work clothing and equipment, hygiene areas and practices, medical surveillance, communication of Cr(VI) hazards to employees, recordkeeping, and compliance dates. The general industry standard has additional provisions for regulated areas and housekeeping.

The standards apply to occupational exposures to Cr(VI) in all forms and compounds with the following limited exceptions: 1) exposures that occur in the application of pesticides (e.g., the treatment of wood with preservatives) since these exposures are already covered by the Environmental Protection Agency; 2) exposure to portland cement; and 3) exposures in work settings where the employer has objective data demonstrating that exposures to Cr(VI) cannot exceed 0.5 ug/m<sup>3</sup> under any expected conditions of use. All provisions except engineering controls have a start-up date of November 27, 2006, (May 30, 2007, for small business). Engineering controls must be in place by May 31, 2010.

The proposal would add Section 1532.2, construction; Section 5206, general industry; and Section 8359, maritime. The proposed new sections are substantially the same as the federal counterpart standards, although the federal standards refer to federal respirator, hazard communication, hygiene, and recordkeeping standards, whereas the proposal references the counterpart Title 8 standards. The referenced Title 8 standards are at least as effective as the counterpart federal standards and do not place any additional requirements on employers since they already apply to the operations covered by the proposed Cr(VI) standards.

This rulemaking proposal also amends the table of airborne contaminants in Section 5155 by revising the PELs of substances containing Cr(VI) to be consistent with the new federal PEL, and by adding text to refer the reader to additional requirements contained in the proposed Cr(VI) standards. Section 5155(a)(2) provides instruction regarding the application of the PELs in



Section 5155 that reference another section in Title 8. It states, "When this section references another section for controlling employee exposures to a particular airborne contaminant, the provisions of this section for such substance shall apply only to those places of employment which are exempt from the other standard."

The Time-Weighted Average (TWA) PEL is proposed to be lowered to 0.005 mg/m<sup>3</sup>, measured as chromium, for the following substances listed in Section 5155 that contain Cr(VI): tert-butyl chromate, chromite ore processing, chromium (VI) compounds, lead chromate, zinc chromate, zinc chromate hydroxide, zinc potassium chromate, and zinc yellow. The Ceiling Limit for tert-butyl chromate and chromium (VI) compounds is retained at 0.1 mg/m<sup>3</sup> measured as chromium.

The current PEL for lead chromate is 0.050 mg/m<sup>3</sup> when measured as lead, which is the PEL established for lead compounds in the comprehensive lead standards for general industry and construction, i.e., Sections 5198 and 1532.1. Since the atomic mass of lead is approximately four times the atomic mass of chromium, the PEL of 0.050 mg/m<sup>3</sup> for lead chromate measured as lead is equivalent to a PEL of 0.012 mg/m<sup>3</sup> for lead chromate measured as chromium. The PEL for lead chromate is proposed to be lowered to 0.005 mg/m<sup>3</sup> when measure as chromium, which is the same as the new federal PEL for all Cr(VI) compounds. This concentration of lead chromate measured as chromium is equivalent to 0.020 mg/m<sup>3</sup> of lead chromate measured as lead. Therefore the proposed PEL for lead chromate is 0.020 mg/m<sup>3</sup> as lead and 0.005 mg/m<sup>3</sup> as chromium. Immediately below the PEL for lead chromate listed in Section 5155 is a reference to Section 5198 that directs the reader to the additional requirements of that comprehensive standard for lead. The proposal expands this reference to include proposed Sections 1532.2, 5206, and 8359 to direct the reader to the additional requirements which apply to Cr(VI) compounds, including lead chromate.

Section 5155 lists the PEL for strontium chromate as 0.0005 mg/m<sup>3</sup> measured as chromium, which is one-tenth the PEL for Cr(VI) compounds in proposed Sections 1532.2, 5206, and 8359. This rulemaking proposal amends Section 5155(a)(2) to provide an exception for strontium chromate, so the existing PEL for strontium chromate and the provisions of Section 5155 will apply to strontium chromate exposures in addition to the requirements of proposed Sections 1532.2, 5206, and 8359, which are referenced directly below the PEL for strontium chromate in Section 5155. The proposal also includes a note in new Sections 1532.2, 5206, and 8359 in the scope subsection of the standards to notify the reader that exposures to strontium chromate must comply with the provisions of Section 5155 in addition to the new Cr(VI) standards.

Because the proposed standards are substantially the same as the final rule promulgated by Federal OSHA, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard. However, the Board is still providing a comment period and will convene a public hearing. The purpose of the written and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(3). The standards may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

#### COST ESTIMATES OF PROPOSED ACTION

The federal preamble, Section VIII-D, estimates a nationwide, annual total cost to employers of \$282 million. Engineering control costs represent 41 percent of the total costs, and respiratory protection costs represent 25 percent of the total costs of the new provisions of the final standard. Costs for the new provisions for general industry are \$192 million per year, costs for construction are \$67 million per year, and costs for the shipyard sector are \$23 million per year. The annual cost to State employers is estimated to be approximately ten percent of the national total or \$28.2 million. Since the State's standard is required to be at least as effective as the federal standard, these costs are the result of the federal changes.

#### DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article

XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. Where small businesses have significant occupational exposure to Cr(VI), these businesses would incur a portion of the costs estimated previously for all employers.

#### ASSESSMENT

The adoption of the proposed standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: CONSTRUCTION SAFETY ORDERS**  
Chapter 4, Subchapter 4, Article 6  
Section 1541  
**Excavations, General Requirements**

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking is in response to a serious accident that took place on November 9, 2004, in Walnut Creek, California when a high-pressure petroleum pipe was punctured during an excavation. An explosion and fire was ignited by several welders who were working in proximity to the excavation resulting in five deaths and injury to employees.

The Division of Occupational Safety and Health (Division) conducted a six-month investigation which concluded that one of the principal causes of the accident was not determining the precise location of a high-pressure combustible fuel pipeline prior to conducting excavation activities. The excavation constructor's backhoe struck and punctured the pipeline, which resulted in the explosion and fire.

The Division's accident investigation findings were discussed on June 10, 2005, at the Senate Select Committee on Bay Area Infrastructure: Informational Hearing on Pipeline Explosion, convened by State Senator Tom Torlakson, D-Antioch at the Walnut Creek City Hall. The meeting was attended by representatives from East Bay Municipal Utility District (EBMUD), the Division, the Occupational Safety and Health Standards Board (Board), Associated General Contractors of California (AGC California), Office of the State Fire Marshal and the Engineering and Utility Contractors Association (EUCA). The meeting also provided time for public comment.

On July 26, 2005, the Board staff convened an advisory committee meeting consisting of subject matter experts in the fields of excavation, construction, subsurface installation detection, underground utility owners/operators, design engineers, utility companies and a relevant cross section of labor representatives including those representing the laborers who died in the November 9, 2004, Walnut Creek explosion and fire. The consensus of the one-day meeting was that a smaller, focused subcommittee should be convened to consider proposed amendments to California's excavation standards contained in Section 1541 of the CSO.

On September 28, 2005, the Board staff convened a subcommittee meeting to consider proposed amendments to CSO Section 1541. This committee included (1) representatives from labor including the Operating Engineers, International Brotherhood of Electrical Workers (IBEW), Laborers International Union of North America (LIUNA), (2) utility companies, (3) AGC California, (4) local jurisdiction installation owners, (5) design engineers and (6) EUCA. The one-day meeting resulted in a consensus proposal. The full advisory committee was sent a copy of the proposal for review and comment. Several comment letters were re-

ceived by Board staff and evaluated by Division and Board staff. The Board and Division staff's review of the committee's comment letters resulted in further revisions to the proposal and a decision that further meetings were unnecessary.

This proposal clarifies that Section 1541 applies to subsurface facilities such as sewer, telephone, fuel, electric and other subsurface facilities as specified. This proposal contains new language referencing portions of the California Government Code (GC) Section 4216 necessary to ensure excavators understand their responsibilities prior to digging. GC Section 4216 contains statutory requirements that excavators are to comply with. The proposal also contains new language addressing meet and confer procedures between excavators and owner/operators of high priority (risk) subsurface facilities, as the proposal defines, such as high-pressure petroleum pipelines when excavation is to occur within 10 feet of or in conflict with high priority facilities. The proposal also clarifies the definition of a qualified subsurface installation locator in terms of training and addresses required action by excavators who discover or cause damage to subsurface facilities. Board staff relied on a number of notable industry consensus guidelines such as the Common Ground Alliance (CGA), Best Practices, Version 2.0 and the National Utility Locating Contractors Association (NULCA) and the California Department of Transportation, Policy on High and Low Risk Underground Facilities Within Highway Right of Way—January 1997.

#### **Section 1541. General Requirements**

This section contains Title 8 requirements addressing various safety issues pertaining to excavations which include but are not limited to: safeguarding employees from hazardous surface encumbrances, work involving underground installations including estimating their location, responsibilities of regional notification centers (RNC) to notify both RNC members and non-members of an excavation at least two working days prior to the proposed work, determination of the exact location of subsurface installations when the excavation is proposed in proximity to the subsurface installation, access and egress to and from excavations, means of egress, hazardous atmospheres, emergency rescue, protection from water accumulation, stability of adjacent structures, and the protection of employees from loose rock or soil.

#### **Subsection (b)(1)**

Amendments for clarity are proposed for subsections (b)(1) through (b)(4) to delete use of the term "underground" and replace it with "subsurface" to be consistent with Government Code (GC) Section 4216(j). Another amendment is proposed for subsection (b)(1) to clarify that the "approximate" rather than "esti-

mated" location of subsurface installations is to be determined prior to excavation. The effect of the proposed amendments would be to clarify to the employer that consistent with the GC subsurface requirements, the excavator is to determine the approximate location of subsurface utilities prior to digging.

#### **Subsection (b)(1)(A)**

A new subsection (A) is proposed, consistent with the GC 4216.2, that would prohibit excavation until the area has been marked by the excavator and the excavator has received notification (positive response) from all known subsurface installation owner/operators within the boundaries of the proposed excavation. The effect of the proposed subsection would be to clarify to the employer that a positive response is to be received prior to the start of any excavation.

#### **Subsection (b)(1)(B)**

A new subsection (B) is proposed that would require an onsite meeting be held between the excavator and the subsurface installation owner/operator when an excavation is proposed within 10 feet of or in conflict with a high priority subsurface installation as defined within the context of subsection (B). High priority subsurface installations include natural gas pipelines, petroleum pipelines, pressurized sewage pipelines, high voltage electrical supply lines, conductors or cables that have a potential to ground of more than 60,000 volts (60kV), and hazardous materials pipelines that present risk to the employees or the public. The effect of the proposal would require the employer (excavator) to contact any high priority installation owners according to the criteria set forth in subsection (B) and arrange an onsite meeting to determine the most effective methodology for verifying the location of the high priority subsurface installation.

#### **Subsection (b)(1)(C)**

A new subsection (C) is proposed that would require all subsurface installation locators to perform location procedures in accordance with the GC sections specified in the text of the proposal. The proposal would also require that locators be trained in accordance with existing Section 1509, Injury and Illness Prevention Program (IIPP), requirements and the minimum training guidelines of the CGA Best Practices, Version 2.0, December 2004, or the NULCA Standard 101, 2001, in order to be deemed qualified. The effect of the proposal may require some employers to revise or enhance their existing IIPP training program to meet the training requirements specified by either the CGA or NULCA training guidelines.

#### **Subsection (b)(1)(D)**

A new subsection (D) is proposed that would require all employees to be trained in excavator notification and excavator practices required by this section and appli-



cable portions of the GC as indicated in the proposed text. The effect of the proposed amendment will emphasize and clarify to the employer that consistent with existing IIPP requirements, employees who are involved in excavation operations are to be trained in the requirements set forth in Section 1541 and the relevant portions of the GC.

**Subsection (b)(2)**

Existing subsection (b)(2) requires all Regional Notification Centers, as defined in the GC, in the areas involved in the excavation and all known owners of subsurface facilities in the area who are not members of the Regional Notification Center to be advised of the proposed excavation work two days prior to digging. This subsection contains an exception that excludes subsurface installation emergency repair work from the two-day notice requirement. The effect of the proposed amendment would be to clarify that emergency repair work, as defined in the GC, is excluded from the notification requirement described above.

**Subsection (b)(3)**

Existing subsection (b)(3) requires all excavators that approach the estimated location of subsurface installations to determine the exact location of the installation by safe and acceptable means. Amendments are proposed to include boring operations and replace the term “estimated” with “approximate” consistent with the proposed amendment to subsection (b)(1). The effect of the proposed amendments would clarify to the employer that the exact location of the subsurface installation is to be determined by safe and acceptable means, as defined in the GC, that will prevent damage to the subsurface installation.

**Subsection (b)(5)**

A new subsection (b)(5) is proposed that would require excavators who cause or discover damage to subsurface facilities to notify the installation owner/operator or the one call center immediately and report the damage to the subsurface installation. The effect of the proposed new language would ensure that damaged subsurface facilities are repaired in order to prevent release of toxic or hazardous materials which could endanger employees and/or the general public, or if left undetected could cause a fire, explosion and/or interruption of vital utilities.

**DOCUMENTS INCORPORATED BY  
REFERENCE**

1. Common Ground Alliance (CGA), Best Practices, Version 2.0, Published December 2004.

2. National Utility Locating Contractors Association (NULCA) Standards Committee Standard 101: Professional Competence Standards for Locating Technicians, 2001 First Edition.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

**COST ESTIMATES OF PROPOSED ACTION**

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action. See Impact on Businesses below.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses**

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal will require employers to provide enhanced training for employees who conduct subsurface installation locating consistent with existing Title 8, IIPP construction industry requirements. Also consistent with existing Title 8, IIPP requirements, all employees involved in excavation activities would be required to be instructed in the excavation practices and procedures described by the proposed amendments. The proportional cost of providing the proposed training, when compared to typical excavation job costs, is insignificant.

**Cost Impact on Private Persons or Businesses**

Employers who utilize line-locating technicians may incur some incremental administrative costs associated with training their locating technicians to the level prescribed by the proposed language. However, such incremental employee training is to some extent, already addressed by existing Title 8, IIPP requirements. As stated in the Impact on Businesses section, these costs are expected to be proportionally insignificant in comparison to total project costs and it is reasonable to expect that they would be offset by a reduction in employer liability that would result from accidental contact with subsurface utilities. Such contact could result in employee injury/fatality, equipment damage, adverse economic impact to local businesses, and disruption and restoration of ratepayer services.



**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than July 14, 2006. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on July 20, 2006, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through

Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umamoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

### TITLE 13. CALIFORNIA AIR RESOURCES BOARD

#### NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA REGULATIONS FOR NEW 1997 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the California regulations and test procedures for new 1997 and later off-highway recreational vehicles and engines (OHRV). The amendments would add evaporative emission standards and revise the riding seasons for OHRVs that do not meet California's exhaust emission standards. On the whole, the amendments will lead to additional emission reductions and more efficient enforcement of the OHRV regulation. This notice summarizes the proposed regulatory amendments. The staff report presents the proposed amendments in greater detail.

DATE: July 20, 2006  
TIME: 9:00 a.m.  
PLACE: California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., July 20, 2006, and may continue at 8:30 a.m., July 21, 2006. This item may not be considered until July 21, 2006. Please consult the agenda for the meeting, which will be available at least 10 days before July 20, 2006, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

#### INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed adoption of amendments to sections 2411, 2412, 2413 and 2415, title 13, California Code of Regulations (CCR), and to the following document incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines," as last amended October 22, 1999.

#### **Background:**

Health and Safety Code sections 43013 and 43018 direct ARB to achieve the maximum feasible and cost-effective emission reductions from all mobile source categories, including off-highway vehicles and off-highway motorcycles, through the setting of emission control and other requirements.

The Board first adopted the OHRV regulation (sections 2410-2414, title 13, CCR, and the documents incorporated by reference therein) in January 1994. The primary goal of the regulation was to control a significant source of ozone-forming emissions. To that end, the regulation implemented exhaust emissions standards for a segment of off-road vehicles that, prior to 1994, were not subject to any emission control measures. Specifically, the Board adopted exhaust emission standards for off road motorcycles and all-terrain vehicles (ATV), as well as required the use of zero-emission (e.g., "electric") golf carts at golf courses located in nonattainment areas for ozone.

Soon after the standards went into effect, California motorcycle dealers and off-road enthusiast associations (i.e., consumers) began to voice their concerns about the OHRV regulation. Specifically, their interrelated concerns were two-fold: 1) many of the popular-selling two-stroke/competition OHRVs were not modified by their manufacturers to meet the new emission

standards and thus were no longer eligible for off-highway registration, so most consumers would not buy them; and 2) of the compliant OHRVs that were available, none possessed performance characteristics that were satisfactorily similar to the two-stroke/competition models, which a large segment of consumers desired. Moreover, some manufacturers chose to produce no emission-compliant OHRVs; and thus, their dealers were negatively impacted economically.

To address these unintended outcomes, a committee of stakeholders was formed. Comprising the committee were: the California Motorcycle Dealers Association; off-road enthusiast groups and associations, including the American Motorcyclist Association; several OHRV manufacturers; public land agency managers from the California State Parks, the Bureau of Land Management, and the United States Forest Service; representatives from the Department of Motor Vehicles' (DMV) registration policy unit; and ARB staff. The committee held several meetings over the course of approximately a year and a half and considered various strategies to accommodate the concerns of the dealers and off-road enthusiasts. The goal was to develop a solution that would provide relief to the dealers and off-road enthusiasts, while still achieving meaningful emission reductions. The solution that was ultimately chosen accomplished this objective and was approved by the Board at the December 10, 1998 public hearing.

The two main elements of the 1998 rulemaking were: 1) the creation of a new form of off-highway vehicle registration, specifically for noncomplying OHRVs; and 2) a schedule of dates for OHRV riding areas, known as the "riding seasons" (section 2415, title 13, CCR), during which ambient ozone was low and noncomplying OHRVs could be ridden. Together, these measures provided for the limited use of noncomplying OHRVs, without significantly impacting ambient air quality levels for ozone.

On July 24, 2003, the OHRV regulation was amended a second time. The amendments reflected a delay in riding season enforcement by the land management agencies, due to the inconsistent registration of these vehicles. The inconsistent registrations were caused by manufacturers not correctly following the regulatory requirements for identifying noncomplying OHRVs in the vehicle identification number, and a delay in the implementation of the appropriate computer programming for DMV to accurately process the off-highway vehicle registrations. At the time of the 2003 amendments, both of these problems had been largely resolved.

**Description of the Proposed Regulatory Action:**

Staff proposes amendments to California's existing

OHRV regulations to add evaporative emission standards for new OHRVs, and to revise the riding seasons for OHRVs that do not meet California's exhaust emission standards. Staff also proposes that the Board insert into section 2413, title 13, CCR, the specific language related to the labeling requirements for OHRVs, which was previously incorporated by reference and contained in a separate document, and amend the ATV category to better describe ATVs and to allow certain types of utility vehicles to certify to the ATV standards.

The proposed evaporative emissions standards are identical to those adopted by the United States Environmental Protection Agency (U.S. EPA) in 2002. Adoption of the standards will allow ARB to conduct its own enforcement action if it determines that the standards are not being met. The adoption will also ensure that ARB's OHRV program will continue to be at least as stringent as the federal program in future model years.

Staff proposes that the Board update the current listing of the riding areas designated for off-highway motorcycle and ATV usage. More specifically, staff proposes to modify the riding seasons for noncomplying or "Red Sticker" vehicles to reflect current air quality data and to address concerns that have been voiced regarding how to simplify compliance for both riders and enforcement personnel.

Staff is also proposing that the Board reclassify certain types of utility vehicles. The reclassification would include changes to definitions, emissions standards, and test procedures for the vehicles in question. Instead of certifying under California's large off-road spark-ignition regulation, manufacturers would certify these vehicles under the OHRV regulation. However, the vehicles subject to this reclassification would not be eligible for emissions noncompliant (i.e., red sticker) registration. Because these utility vehicles use engines that are also used in OHRVs (in particular ATVs), the proposal would reduce the cost of demonstrating the engine's compliance under two different regulatory categories that use different procedures. It is possible that manufacturers of utility vehicles and others covered by California's large off-road spark-ignition regulation, but not specifically identified by staff, may likewise seek such reclassification, and the Board may consider such reclassifications under this proposal.

In addition, staff proposes that the Board add label specifications directly to the regulatory language of section 2413, title 13, CCR. The label specifications to be added are currently in a separate document that is incorporated by reference.

A full description of the proposed amendments is presented in the "Staff Report: Initial Statement of Reasons," as described below.



## COMPARABLE FEDERAL REGULATIONS

In November 2002, U.S. EPA finalized its own regulation for OHRVs, which contains standards for both evaporative and exhaust emissions (40 CFR Part 1051). The amendments proposed here are designed to harmonize with the federal evaporative standards; California's exhaust emissions standards for OHRVs remain more stringent than U.S. EPA's exhaust emission standards.

## BENEFITS OF THE PROPOSAL

By 2020, the proposal would provide a reduction of approximately 4.5 tons per day of ozone-forming hydrocarbon emissions, due to the implementation of evaporative controls.

The proposal would benefit manufacturers by providing California and federal regulatory consistency for both OHRV evaporative emissions standards and for eligible utility vehicles certifying to ATV standards. In addition, through the revision of the riding seasons, the staff's proposal will simplify compliance for OHRV users and improve enforceability by the public land managers.

## AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Staff Report: Initial Statement Of Reasons For Proposed Rulemaking — Public Hearing To Consider Amendments To The California Regulations For New 1997 And Later Off-Highway Recreational Vehicles And Engines."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and ~~strikeout~~ format to allow for comparison with the existing regulations, may be accessed on the ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1<sup>st</sup> Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on July 20, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Scott Rowland, at (626) 575-6676

or [srowland@arb.ca.gov](mailto:srowland@arb.ca.gov), or Mr. Andrew Spencer, at (626) 575-6675 or [aspencer@arb.ca.gov](mailto:aspencer@arb.ca.gov).

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, and Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at [www.arb.ca.gov/regact/ohrv2006/ohrv2006.htm](http://www.arb.ca.gov/regact/ohrv2006/ohrv2006.htm)

## COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary costs or savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the



State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because there will be no incremental cost, or an insignificant cost, associated with staff's proposal in addition to those already needed to comply with the federal regulation.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

#### SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, July 19, 2006**, and addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board, 1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

#### STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 43013, 43018, 43101, 43105 and 43107, and in Vehicle Code sections 38020 and 38390. This action is

proposed to implement, interpret, and make specific Health and Safety Code sections 43013, 43018, 43101, 43102, 43104, 43105, 43107, and Vehicle Code sections 38020 and 38390.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1<sup>st</sup> Floor, Sacramento, CA 95814, (916) 322-2990.

#### TITLE 14. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

##### NOTICE OF PROPOSED RULEMAKING

<b>TITLE 14.</b>	<b>NATURAL RESOURCES</b>
<b>DIVISION 7.</b>	<b>CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD</b>
<b>CHAPTER 9.</b>	<b>PLANNING GUIDELINES AND PROCEDURES FOR PREPARING AND REVISING COUNTY WIDE INTEGRATED WASTE MANAGEMENT PLANS</b>
<b>ARTICLE 6.3.</b>	<b>HOUSEHOLD HAZARDOUS WASTE ELEMENTS</b>

#### PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (Board) proposes to amend Title 14, California Code of Regulations, Division 7, Chapter 9, by amending Ar-

ticle 6.3, commencing with section 18751.2. The changes will require that a revised Form CIWMB 303 be completed online, if possible. It will add some new waste streams that must be reported and consolidate other waste streams to obtain only one waste volume total instead two or more for various waste streams. It will require that waste streams be reported by the type of collection program where the waste was collected. It will modify the current Instructions contained within the regulations.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. **The written comment period for this rulemaking closes at the close of the hearing on July 24, 2006.** The Board will only consider comments received at the Board's headquarters by that time. Please submit your written comments to:

Tom Micka, Special Waste Division  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, California 95812-4025  
Fax: (916) 319-7491  
e-mail: tmicka@ciwmb.ca.gov

#### PUBLIC HEARING

A public hearing to receive public comments has been scheduled for the **Special Waste Committee Meeting**. The hearing will be held at the

Joe Serna Jr., Cal EPA Building  
1001 I Street, 2nd Floor  
Sacramento, CA 95814

The hearing will begin at **1:30 p.m. on July 24, 2006**, and will conclude after all testimony is given. The California Integrated Waste Management Board requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible. If you have any questions, please contact Tom Micka at (916) 341-6420.

#### INFORMATIVE DIGEST

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) §40000 *et. seq.*, gives the Board authority to provide for the protection of public health, safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC §40502 requires the Board to

adopt rules and regulations to implement the Act. The waste volume reporting to the Board of household hazardous waste (HHW) collected through HHW collection programs began when regulations were passed in 1993.

The proposed regulations will change the form requirements to reduce the number of reports local governments must complete and submit to the state. It will delete several sections which have become obsolete information; consolidate several of the waste volume categories; and require several more waste stream types to be reported. The added waste streams include compressed gas cylinders, photo waste, treated wood and electronic waste, all of which local government HHW programs already collect information about and retain waste volume totals.

The revised form will now be accessible via the Board's website. In addition, the existing "Instructions for Completing Form 303" will be deleted.

#### POLICY STATEMENT OVERVIEW

Over the past 13 years the California Integrated Waste Management Board has overseen the collection of household hazardous waste volume totals. The proposed regulations provide guidance for the Board and DTSC's staff and local government governing bodies. The existing regulations have been in effect since 1993. The proposed regulations simplify the current form used for reporting household hazardous waste volume totals and add household hazardous wastes that have been designated by DTSC since the last revision to the regulations.

#### PLAIN ENGLISH REQUIREMENTS

Board staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them. They are mainly administrative and apply to the Board and Department of Toxic Substances Control's (DTSC) management of household hazardous waste programs. They provide clear program guidance to the Board and DTSC and local HHW governing bodies.

#### AUTHORITY AND REFERENCES

PRC §§ 40502 and HSC §§ 25218.10 provide authority for these regulations. The purpose of the proposed actions is to implement, interpret, and make specific PRC §§ 41500, 41510, 41750, 47103.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

LOCAL MANDATE AND FISCAL DETERMINATIONS

Board staff has determined that the proposed regulations do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code §§17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

EFFECT ON BUSINESS AND SMALL BUSINESSES/SMALL BUSINESS DETERMINATION

Board staff made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations only address reporting requirements for local government HHW collection programs. The programs are sponsored by local county or city public agencies and agencies responsible for HHW management within a jurisdiction. As such the regulations will not affect small business because no business is required to comply with regulations, none is required to enforce the regulations, and none derives a benefit nor incurs a detriment from the enforcement of the regulations.

EFFECT ON COMPETITION WITH OUT-OF-STATE BUSINESS

Board staff has determined that the proposed regulations will not have an adverse economic impact upon the ability of California businesses to compete with out-of-state business.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

Board staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the state of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACT ON PRIVATE PERSONS OR ENTERPRISES

Board staff has determined that the adoption of the proposed regulations will not have a cost impact on private persons or enterprises. The proposed regulations modify existing regulations and impose no significant cost impacts.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Tom Micka, Special Waste Division  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, California 95812-4025  
(916) 341-6420 phone, (916) 319-7491 facsimile  
e-mail: tmicka@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Kristen Yee, Special Waste Division  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, CA 95812-4025  
(916) 341-6444 phone, (916) 319-7511 facsimile  
e-mail: kyee@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed

regulations, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. The Final Statement of Reasons will also be made available once it is prepared. Copies may be obtained by contacting Tom Micka at the address or phone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the Board's Internet homepage at [www.ciwmb.ca.gov/rulemaking](http://www.ciwmb.ca.gov/rulemaking).

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

The Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for the modified text should be made to the contact person named above. The Board will mail any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **TITLE 23. WATERS**

### **DIVISION 2. DEPARTMENT OF WATER RESOURCES**

#### **NOTICE OF PROPOSED AMENDMENT OF REGULATIONS UNDER THE YUBA FEATHER FLOOD PROTECTION PROGRAM OF THE SAFE DRINKING WATER, CLEAN WATER, WATERSHED PROTECTION, AND FLOOD PROTECTION ACT**

**NOTICE IS HEREBY GIVEN** that the Department of Water Resources proposes to amend its regulations establishing a process for funding feasibility studies and designs under the Yuba Feather Flood Protection Program to include funding for implementation of projects. The regulations to be amended are entitled "Yuba Feather Flood Protection Program of the Safe Drinking

Water, Clean Water, Watershed Protection, and Flood Protection Act" and are found in Title 23, California Code of Regulations, Division 2, Chapter 2.5.2, commencing with Section 499.1, effective February 25, 2003. The amendments are indicated by strikeout and underline in the proposed text of regulations and are available on request from the agency official designated in this notice. Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the action at a hearing to be held at the following location on the following date:

July 24, 2006  
10:00 a.m. to 12:00 p.m.  
Department of Water Resources, Room LL50  
3310 El Camino Avenue  
Sacramento, California 95821.

Room LL50 is accessible to persons with disabilities and can be reached by taking the elevator to the basement. The nearest off-street parking is in front of the building.

Written comments may also be hand-delivered to the Department of Water Resources, Office of the Chief Counsel, Room 1118, Attention: Katherine A. Spanos, mailed to the Department, attention Katherine A. Spanos, at P.O. Box 942836, Sacramento, California 94235-0001; faxed to the Department, Attention Katherine A. Spanos, (916) 653-0952, or e-mailed to Katherine A. Spanos at [kspanos@water.ca.gov](mailto:kspanos@water.ca.gov). Such additional written comments will be received until 5 p.m. on July 24, 2006.

### **AUTHORITY AND REFERENCE**

These regulations are authorized by Water Code Section 79068.20. The regulations implement, interpret and make specific Chapter 5, Article 8, commencing with Section 79068, of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000. Water Code Sections 8300, 12580 and 12609 give the Department general authority to participate in development of flood control projects.

### **INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW**

Proposition 13, the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000, is a general obligation bond law passed by the voters of California in March 2000. The Flood Protection Program is contained in Chapter 5 of that Act; and Article 8 of Chapter 5, beginning at Water Code Section 79068, contains the Yuba Feather Flood Protection Program. The Act authorizes the issuance of



\$1,970,000,000 in general obligation bonds, the proceeds of which are to be placed in an account created by the Act. Article 8 of Chapter 5 of the Act transfers \$90 million into a subaccount for purposes of implementing the Yuba Feather Flood Protection Program. \$70 million of that amount is for implementing flood protection projects along the Yuba and Feather Rivers, Colusa Basin Drain, and their tributaries, and \$20 million is to be used by the Department of Fish and Game for mitigation for flood protection projects funded by the program.

The proposed rulemaking would amend the existing regulations that set up a process for funding feasibility studies and designs for projects to be implemented under this program to include funding for implementation, would provide for allocation of implementation funds during design, would allow preparation for right of way acquisition using design funds, would establish means to credit the cost of qualified pre-grant work against grantee's implementation cost share, and would make related and other nonsubstantive changes. The existing regulations were adopted on February 25, 2003 to allow feasibility studies and designs of the projects to proceed immediately. This regulatory action will allow the agency to fund the project implementation stage of the program.

The proposed amendments repeal Section 499.6.2, Environmental Compliance, of the existing regulations and incorporate its provisions elsewhere; retain all other sections of the existing permanent regulations with amendments, and add new sections containing conditions for early allocation of implementation funds, advance preparation for right of way acquisition, a description of what implementation of a project will include, requirements for determining grant amounts, and requirements related to the contents of a design grant application.

#### FEDERAL CONFORMITY

The proposed regulations deal exclusively with relationships between state governments and local public entities, although actions of the local public entity involving the federal government are mentioned peripherally. There is no known existing comparable federal regulation or statute. DWR finds that these regulations have no conflict with or duplication of federal regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate On Local Agencies And School Districts: None

Cost or Savings to Any Local Agency or School District That is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.

Other Nondiscretionary Cost Or Savings Imposed On Local Agencies: FEMA and flood insurance requirements may be reduced, resulting in a cost savings to local communities.

Costs Or Savings To Any State Agency: None

Cost Or Savings In Federal Funding To The State: There is the potential for this program to develop opportunities for federal cost-sharing on future flood control projects, resulting in an increase of federal funds appropriated to the State.

Significant Effect On Housing Cost: To the extent the program promotes projects to reduce flood risk, housing will be preserved that otherwise could be lost or uninhabitable following a high water event. The preservation of this housing stock will help maintain affordable housing.

Significant Statewide Adverse Economic Impact Directly Affecting Business Including The Ability Of California Businesses To Compete With Businesses In Other States: No adverse economic impact would result. There may be a potential economic benefit resulting from reduced flood risk, enhancing California businesses' ability to compete with businesses in other states.

Cost Impacts On a Representative Private Person Or Business: The regulations will not result in an adverse cost impact. The potential for reduced flood risk could result in reduced flood insurance requirements and enhanced business competitiveness.

Small Business Determination: The Department has determined that the proposed regulations may have an effect on small business. The grant program is voluntary and there may be a potential for benefit from the enforcement of the regulations to the extent that a grant recipient may hire a small business to perform part of the grant requirements. The express terms of the proposed action written in plain English are available from the agency contact person named in this Notice.

Assessment Regarding The Creation Or Elimination Of Jobs In California: The Department of Water Resources has determined that the adoption of these regulations will not: (1) create or eliminate jobs within California, (2) create new businesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within Califor-

nia. Results of reduced flood risk may enhance local business' economic viability.

#### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no alternative it considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed action at the above-mentioned hearing or during the written comment period.

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDED REGULATIONS**

The Department of Water Resources has prepared an initial statement of reasons for the proposed amendments and has available all the information upon which the proposal is based. Copies of the exact language of the proposed amended regulations and the statement of reasons and other information, if any, may be obtained from the Department upon request from the contact person listed below.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Department of Water Resources may adopt the proposed regulations if they remain substantially the same as described in this notice. The Department of Water Resources may make changes in the proposed regulations before adopting them. The text of any modified regulations will be made available to the public with the changes clearly marked at least fifteen (15) days before the Department adopts the regulations as revised. A request for the modified text, if there is one, should be addressed to the agency official designated in this notice. The Department of Water Resources will accept comments on the modified regulations for 15 days after the date on which the text is made available.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

The Department will prepare a final statement of reasons when all comments have been received and con-

sidered, prior to closing the rulemaking record. The statement will be posted on the Department of Water Resources Internet site (see below) and may also be obtained from the Department upon request from the contact person listed below.

#### **CONTACT PERSON FOR FURTHER INFORMATION**

Anyone wishing further information about the proposed amended regulations, the initial statement of reasons, the full text of the regulation language proposed to be adopted, or the information on which the proposal is based may contact Katherine A. Spanos in the Office of the Chief Counsel, Department of Water Resources, at (916) 653-6295. All of the above information is available for inspection and copying. The address for inquiries by mail is:

Department of Water Resources  
Office of the Chief Counsel  
Attention: Katherine A. Spanos  
1416 Ninth Street, Room 1118  
P.O. Box 942836  
Sacramento, CA 94236-0001

#### **Backup Contact Person:**

Dan Yamanaka  
Yuba Feather Flood Protection Program  
Division of Flood Management  
Department of Water Resources  
Telephone No. (916) 574-0632  
Fax No. (916) 574-0677  
Email Address: dany@water.ca.gov

Anyone wishing to discuss or ask questions about the substance of the proposed regulations may contact:

Dan Yamanaka  
Yuba Feather Flood Protection Program  
Division of Flood Management  
Department of Water Resources  
Telephone No. (916) 574-0632  
Fax No. (916) 574-0677  
Email Address: dany@water.ca.gov

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed amendments in underline and strikeout format can be accessed through DWR's Division of Flood Management's website at <http://www.dfm.water.ca.gov>.

## TITLE 24. BUILDING STANDARDS COMMISSION

### NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE STATE HISTORICAL BUILDING SAFETY BOARD REGARDING THE CALIFORNIA HISTORICAL BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 8 AND PART 2 (CHAPTER 34)

Notice is hereby given that the State Historical Building Safety Board (SHBSB) proposes to adopt changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 8 and Part 2 (Chapter 34).

#### PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from June 2, 2006 until 5:00 p.m. on July 21, 2006. Please address your comments to:

State Historical Building Safety Board  
1102 Q Street, Suite 5100  
Sacramento, CA 95814  
Attention: Richard T. Conrad, FAIA,  
Executive Director

Written Comments may also be faxed to (916) 445-3521 or E-mailed to [Richard.Conrad@dgs.ca.gov](mailto:Richard.Conrad@dgs.ca.gov). Pursuant to Government Code Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

#### POST COMMENT PERIOD MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the SHBSB may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the SHBSB adopts, amends, or repeals the regulation(s). The SHBSB will accept written comments on the modified building standards during the 15-day period.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

#### AUTHORITY AND REFERENCE

The State Historical Building Safety Board proposes to adopt these building standards under the authority granted by Health & Safety Code section 18959.5.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code 18958 through 18961. The State Historical Building Safety Board is proposing this regulatory action based on Health and Safety Code 18958 and 18959.5.

#### INFORMATIVE DIGEST

##### Summary of Existing Laws

The California Historical Building Code (CHBC) provides alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy so as to preserve their original or restored architectural elements and features; to encourage energy conservation and a cost-effective approach to preservation; and to provide for the safety of the building occupants.

The CHBC provides means for the preservation of the historical value of qualified historical buildings or structures and, concurrently, to provide reasonable safety from fire, seismic forces or other hazards for occupants of these buildings or structures, and to provide reasonable availability to and usability by, the disabled.

The SHBSB is composed of qualified experts in their respective fields who represent various state and local public agencies, design professionals and building and preservation oriented organizations. The SHBSB acts as a consultant to the State Architect and to the other applicable state agencies for purposes of the CHBC. The SHBSB recommends to the State Architect and other applicable state agencies rules and regulations for adoption pursuant to the CHBC. The SHBSB also acts as a review body to state and local agencies with respect to interpretations of the CHBC as well as on matters of administration and enforcement of the CHBC.

The SHBSB is comprised of representatives of state agencies and public and professional building design, construction, and preservation organizations experienced in dealing with historic buildings. Each organization appoints its own representatives. Each of the following must have one member on the board who serves without pay, but shall receive actual and necessary ex-

penses incurred while serving on the board: The Division of the State Architect, The State Fire Marshal, The State Historical Resources Commission, The California Occupational Safety and Health Standards Board, California Council–American Institute of Architects, Structural Engineers Association of California, a mechanical engineer; Consulting Engineers; and Land Surveyors of California, an electrical engineer, Consulting Engineers and Land Surveyors of California, California Council of Landscape Architects, The Department of Housing and Community Development, The Department of Parks and Recreation, The California State Association of Counties, League of California Cities, The Office of Statewide Health Planning and Development, The Department of Rehabilitation, The California Chapter of the American Planning Association, The Department of Transportation, The California Preservation Foundation, The Seismic Safety Commission, and The California Building Officials. The 20 members listed select a building contractor as a member of the board. The term of membership on the SHBSB is four years, with the State Architect’s representative serving continually until replaced.

All state agencies that enforce and administer approvals, variances, or appeals procedures or decisions affecting the preservation or safety of the historical aspects of qualified historical buildings or structures shall use the alternative provisions CHBC and must consult with the SHBSB to obtain its review prior to undertaking action or making decisions on variances or appeals that affect qualified historical buildings or structures.

### Summary of Existing Regulations

The existing CHBC is Part 8 of the official 2001 triennial compilation and publication of the adoptions, amendments, and repeal of building regulations to the California Code of Regulations (CCR), Title 24, also referred to as the California Building Standards Code. This part is known as the California Historical Building Code. These building standards are also reprinted in the CCR, Title 24, Part 2, Chapter 34.

The regulations published in Part 8 and Part 2 (Chapter 34) are known as the State Historical Building Code and are referred to herein as “the SHBC.” The SHBC provides regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or structures designated as qualified historical buildings or properties. The SHBC is intended to provide alternative solutions for the preservation of qualified historical buildings or properties, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users. These regulations require enforcing agencies to accept reasonably equivalent

alternatives to the regular code when dealing qualified historical buildings or properties.

### Summary of Effect

The effect of this proposed action would be to now refer to the Part 8 as the California Historical Building Code (CHBC) rather than the State Historical Building Code (SHBC). The intent of the CHBC is to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for people with disabilities.

### Comparable Federal Statute or Regulations

There are no Federal Statutes or alternative building regulations applicable to qualified historic buildings or structures.

### Policy Statement Overview

The California Historical Building Code (CHBC) provides alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy so as to preserve their original or restored architectural elements and features; to encourage energy conservation and a cost-effective approach to preservation; and to provide for the safety of the building occupants

### OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

N/A

### MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The SHBC contains alternative building regulations that may be used by local agencies or school districts when dealing with qualified properties.

### ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the “Economic and Fiscal Impact Statement” (Form 399))



- A. Cost or Savings to any state agency: There may be a cost savings to a state agency by utilizing the alternative building regulations in the SHBC.
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: There may be a cost savings to a local agency by utilizing the alternative building regulations in the SHBC.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No
- D. Other nondiscretionary cost or savings imposed on local agencies: NO
- E. Cost or savings in federal funding to the state: NO

#### INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

- A. Identification of the types of businesses that would be affected.  
No adverse economic impact. The alternative regulations in the SHBC may result in cost savings when rehabilitating or changing the use of qualified historic properties.
- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action. N/A
- C. The SHBSB has made an initial determination that the adoptions, amendment, or repeals of this regulation will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states. The DSA has not considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:  
  
The establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses.  
  
Consolidation or simplification of compliance and reporting requirements for businesses.  
  
The use of performance standards rather than prescriptive standards.  
  
Exemption or partial exemption from the regulatory requirements for businesses.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SHBSB has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

The expansion of businesses currently doing business with the State of California.

#### INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SHBSB has made an initial determination that this proposal would not have a significant effect on housing costs.

#### CONSIDERATION OF ALTERNATIVES

The SHBSB must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website: <http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**SHBSB CONTACT PERSON FOR  
ADMINISTRATIVE AND TECHNICAL  
QUESTIONS**

General questions regarding procedural, administrative and technical issues should be addressed to:

Richard T. Conrad, FAIA, Executive Director  
State Historical Building Safety Board  
1102 Q Street, Suite 5100  
Sacramento, CA 95814  
Telephone No.: (916) 324-7180  
Facsimile No.: (916) 445-3521

<b>GENERAL PUBLIC INTEREST</b>
--------------------------------

**TITLE 2. DEPARTMENT OF FAIR  
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that it's Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P.O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P.O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037

Vandergoot Equipment Co.  
P.O. Box 925  
Middletown, CA 95461

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture proposes to repeal Article 1.1, Section 1366 in Title 3 of the California Code of Regulations pertaining to Standardization Program assessment rates for the shipments of California fresh fruits and vegetables, hereinafter referred to as commodities.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action at a hearing to be held at 10:00 a.m. on Thursday, July 6, 2006 at the California Department of Food and Agriculture, 1220 N Street, Room 220, Sacramento, CA 95814. Written statements will also be accepted until 4:30 p.m. on July 6, 2006. Please refer to the contact section of this notice for the contact person's name and address information.

Following the public comment period the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Standardization assessment rates listed below were established under the California Food and Agricultural Code, Section 42807 in 1997.

Commodities not subject to mandatory inspection fees — \$0.003 mils per container

Commodities subject to mandatory inspection fees — \$0.001 mil per container

In 2002, Article 1.1, Section 1366 was adopted that reduced the mil fees by 50%. At the time there was a State wide hiring freeze that allowed the reserve to increase above what was needed for the program. This reduction was at the recommendation of the Standardization Advisory Committee with concurrence from the Secretary of Food and Agriculture. The following new assessment rates became effective July 1, 2002.

Commodities not subject to mandatory inspection fees — \$0.015 mils per container

Commodities subject to mandatory inspection fees — \$0.0005 mil per container

Pursuant to Section 42812, the Standardization Advisory Committee recommends to the Department to repeal the above-reduced rates and default to the original mil fees established under Section 42807 of the Food and Agricultural Code. It is recommended that this become effective July 1, 2006. The recommendation is based on the fact that the program's fund reserves are being expended and now require an increase to maintain a high level of standardization activities and create an adequate reserve.

The Standardization Advisory Committee is composed of 13 industry representatives of various commodities throughout the State and one county agricultural commissioner. The Committee is advisory to the Secretary of the Department of Food and Agriculture on all matters relating to the State Standardization Program.

Accordingly, with the repeal of Article 1.1, Section 1366 the mil fee rates would default to three mils (\$0.003) per container and one mil (\$0.001) per container. The new mil fee assessments would take effect and be payable on containers of fresh fruits and vegetables shipped on or after July 2, 2006.

The assessments are used in support of the State Standardization Program, which is responsible for enforcement of laws and regulations establishing quality, maturity, standard containers and packs, size, and container marking requirements for fresh fruits and vegetables. Without the increased assessments the Program would be unable to maintain the current level of enforcement.

Industry-funded programs, such as the Standardization Program, are required to maintain a fund reserve. The reserve would be used to phase out program operations in the event the Standardization Program is terminated. Based on current projections without the increase in fees the reserve would be depleted by June 30, 2007. The Standardization Program, which includes existing law provisions, assessments and an advisory committee, is due to expire on January 1, 2010 unless a later enacted statute extends that date.

Existing Section 42808 mandates a handler of commodities to register with the Department and submit monthly reports and assessments by the last day of the month immediately following the month in which the commodities were shipped. Late payments are subject to a specified monetary penalty.

## FISCAL IMPACT STATEMENTS

The Department has initially determined that these proposed regulations would have no effect on increased costs to the Department; however, the proposed fee change would result in an increase of industry-paid revenues of approximately \$950 for each year that the fee is in effect from 547 shippers. The current fee reduction was adopted to reduce excess program fund reserves. The time was needed to reduce the fund reserves to a level that is in line with program needs and was dependent upon when the State-hiring freeze was lifted, and once the freeze was lifted, the time needed to fill vacant positions. At the time, it was estimated the reserve would be reduced in two or three years. The Program has maintained the current level of funding for four years. The State-hiring freeze was lifted and vacant positions have been filled. In addition, the Program increased enforcement activities through additional county contracts for inspection work and opened an inland border station last year to check produce being transported within the State. These activities were recommended by the Standardization Advisory Committee and supported by major industry groups.

The Department has also determined that these proposed regulations will result in no costs or savings on local agencies or on federal funding to the State.

## EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed fee change, as discussed above, would result in minor increase to small business. This is based on our data that shows major shippers that pack over 1,000,000 containers, representing 31% of shippers, will pay 91% of the increased assessments. Small shippers of fewer than 1,000,000 containers would pay 9% of the total increase in assessments.

**EFFECT ON HOUSING COSTS**

The Department has initially determined that the amendments of the proposed regulation would have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS**

The Department has initially determined that these proposed changes would have no statewide adverse economic impact directly affecting businesses, including the ability for California businesses to compete with businesses in other states.

**ASSESSMENT STATEMENT**

The Department has initially determined that the proposed changes in the regulations would not affect the creation or elimination of jobs in California and would neither create nor eliminate or expand existing businesses in California.

**COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESS**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ALTERNATIVES**

The Department has determined that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations.

**AUTHORITY AND REFERENCE**

Notice is hereby given that the Department of Food and Agriculture, pursuant to the authority vested by Sections 407, 42807, and 42808 of the Food and Agricultural Code, and to implement, interpret, or make specific Section 42812 of the Food and Agricultural Code, proposes to adopt regulations in Title 3 of the California Code of Regulations.

**CONTACT**

Inquiries concerning the proposed administrative action may be directed to Steve Patton or Susan Shelton. Inquiries pertaining to the substance of the proposed regulation may be directed to Steve Patton. The contact persons may be reached at the Department of Food and Agriculture, 1220 N Street, Sacramento, CA 95814, phone number (916) 445-2180 ext. 3514 fax number (916) 445-2427. Comments may also be submitted via e-mail at [sshelton@cdfa.ca.gov](mailto:sshelton@cdfa.ca.gov)

**AVAILABILITY OF TEXT OF PROPOSED  
REGULATIONS**

A complete copy of existing law and regulations, and the proposed changes may be obtained upon request from the Department of Food and Agriculture. The text of the proposed regulations with any sufficiently related changes clearly indicated would be made available for 15 days prior to adoption.

<b>SUMMARY OF REGULATORY ACTIONS</b>
--

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**AIR RESOURCES BOARD****Large Confined Animal Facility Definition**

SB 700 (stats. 2003, ch. 479) required the Air Resources Board to develop a definition of "large" confined animal facilities (large CAFs) by July 1, 2005. The large CAF definition will be used by the local air pollution control and air quality management districts in the development of rules to mitigate emissions from large CAFs. This regulatory action defines a large confined animal facility by the number and type of animal confined and requires owners and operators of large confined animal facilities to keep records that specify the numbers of animals maintained daily and such other information as may be required by local air pollution control and air quality management district rules.



Title 13  
California Code of Regulations  
ADOPT: 86500, 86501  
Filed 05/22/06  
Effective 06/21/06  
Agency Contact: Alexa Malik (916) 322-4011

**CALIFORNIA ARCHITECTS BOARD**  
Citation and Fine

This regulatory action changes the definition of a Class A violation to pertain to an unlicensed individual who has violated Business and Professions Code section 5536, changes the fine ranges for Class A, B, and C violations, and adds a provision that authorizes the California Architect's Board to assess an administrative fine up to \$5,000 if the issuance of the citation meets the certain specified conditions.

Title 16  
California Code of Regulations  
AMEND: 152  
Filed 05/22/06  
Effective 06/21/06  
Agency Contact: Hattie Johnson (916) 575-7203

**CALIFORNIA CULTURAL AND HISTORICAL  
ENDOWMENT**  
Conflict of Interest Code

The California Cultural and Historical Endowment is adopting the captioned conflict of interest code. The Fair Political Practices Commission approved the adoption on March 27, 2006.

Title 2  
California Code of Regulations  
ADOPT: Div. 8, Ch. 111, Sec. 59560  
Filed 05/24/06  
Effective 06/23/06  
Agency Contact: Diane Matsuda (916) 651-8823

**CALIFORNIA GAMBLING CONTROL  
COMMISSION**  
Games, Additional Tables

This regulatory action adopts the requirements for an owner of a gambling establishment to operate additional tables on a limited and temporary basis.

Title 4  
California Code of Regulations  
ADOPT: 12358  
Filed 05/18/06  
Effective 06/17/06  
Agency Contact:  
Heather Cline-Hoganson (916) 274-6328

**COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING**  
Change Without Regulatory Effect

This action without regulatory effect reorganizes section 1002.

Title 11  
California Code of Regulations  
AMEND: 1002(c)  
Filed 05/23/06  
Effective 05/23/06  
Agency Contact:  
Patricia Cassidy (916) 227-4847

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**  
45-Day Notification to Law Enforcement

This regulatory action amends provisions governing the notification to local law enforcement agencies, both in the community where an inmate will be released and in the community where their crime was committed, 45 days prior to the release from prison of any person confined to state prison for a conviction if a violent felony, child abuse, sex offense perpetrated against a minor victim, or as ordered by the court. This regulatory action implements provisions in Penal Code sections 3058.6 and 3058.9 which provide that Department of Corrections not restore credits nor take any administrative action resulting in an inmate being placed in a greater credit earning category so as to result in the notification being provided less than 45 days prior to an inmate's scheduled release date.

Title 15  
California Code of Regulations  
ADOPT: 3043.7 AMEND: 3043.1, 3327, 3328  
Filed 05/22/06  
Effective 05/22/06  
Agency Contact:  
Ann Cunningham (916) 322-9702

**DEPARTMENT OF FISH AND GAME**  
Commercial Salmon Fishing

This regulation brings the state fish and game regulations into compliance with federal rules governing commercial salmon fishing. New recommendations for federal regulations were developed by the Pacific Fishery Management Council in April and were forwarded to the Secretary of Commerce for implementation by May 1. DFG is granted the authority to conform state regulations to the Pacific Fishery Management Council ("PFMC") by California Fish and Game Code section 7652. Section 7652.1 requires DFG to hold a hearing and accept public comment regarding the proposed change. DFG is also required to comply with the recommendations submitted by PFMC to the Secretary of Commerce.

It appears from the rulemaking record that DFG complied with the requirements of Fish and Game Code sections 7652 et seq., which provide for a hearing on the new regulations/amendments enacted in conformance with the recommendations of the Pacific Fishery Management Council. DFG held a hearing on April 21, 2006, where testimony was offered from a commercial fisherman. The fisherman asked DFG to extend the new regulations for the entire fishing season and asked that the regulations be distributed at the docks as well. DFG incorporated these requests into the regulation.

The amendments to the regulation establish that, if a commercial fisherman is required to complete a landing receipt, the fisherman must record the total number of salmon landed in the "Note Pad" field of the receipt. Additionally, commercial fishermen will now be required to keep copies of all landing receipts on the boat on which the salmon was caught until 15 days after the end of the calendar year.

Title 14  
California Code of Regulations  
AMEND: 182  
Filed 05/17/06  
Effective 05/17/06  
Agency Contact: Scott Barrow (916) 651-7670

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Bactrocera Zonatus Interior Quarantine**

This emergency regulatory action establishes approximately 106 square miles in the Fresno area of Fresno and Madera counties as an area under quarantine for the peach fruit fly (*Bactrocera zonata*).

Title 3  
California Code of Regulations  
ADOPT: 3424  
Filed 05/23/06  
Effective 05/23/06  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Diaprepes Root Weevil Interior Quarantine**

This emergency regulatory action adds La Jolla, California and the surrounding area of San Diego County to the list of quarantine areas for the West Indian Sugarcane root borer (WIS) (*Diaprepes abbreviatus*). Parts of Los Angeles and Orange Counties are already established as quarantine areas for this purpose.

Title 3  
California Code of Regulations  
AMEND: 3433(b)  
Filed 05/19/06  
Effective 05/19/06  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Peach Fruit Fly Eradication Area**

This emergency regulatory action adds the county of Fresno as an eradication area for the peach fruit fly.

Title 3  
California Code of Regulations  
AMEND: 3591.12(a)  
Filed 05/18/06  
Effective 05/18/06  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Tomato — "Dirt Free"**

In this regulatory action, the Department of Food and Agriculture adopts and amends regulations pertaining to tomatoes, including tomato quality standards, tomato container marking requirements, and tomato handler requirements.

Title 3  
California Code of Regulations  
ADOPT: 1472.7.2 AMEND: 1472, 1472.4  
Filed 05/18/06  
Effective 05/18/06  
Agency Contact: Susan Shelton (916) 445-2180

**DEPARTMENT OF HEALTH SERVICES**  
**Disinfectant Residuals, Byproducts and Precursors in Drinking Water**

The purpose of this regulatory action is to amend and create standards for suppliers of domestic drinking water. These regulations maintain "primacy" in California for the enforcement of the USEPA Safe Drinking Water Act (42 USC 300f, et. seq.) by ensuring that the California Safe Drinking Water Act (Health & Safety Code §116270-116751) and the regulations to implement it are no less stringent than the federal regulations.

Title 22  
California Code of Regulations  
ADOPT: 64400.38, 64400.40, 64400.45, 64400.47, 64400.67, 64401.65, 64401.82, 64401.92, 64468.5, 64530, 64531, 64533, 64533.5, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536, 64536.2, 64536.4, 64536.6, 64537, 64537.2, 64537.4  
Filed 05/18/06  
Effective 06/17/06  
Agency Contact: Don Lee (916) 440-7673

**DEPARTMENT OF HEALTH SERVICES**  
**Drug Medi-Cal Substance Abuse Services**

This is a nonsubstantive action changing the address where beneficiaries may request a fair hearing for changes in their Drug Medi-Cal substance abuse services as it relates to their eligibility or benefits.

Title 22  
California Code of Regulations  
AMEND: 51341.1  
Filed 05/17/06  
Effective 05/17/06  
Agency Contact: Mary Conway (916) 327-4742

#### DEPARTMENT OF INSURANCE

##### California Low Cost Automobile Insurance Program Rates

This is a statutorily deemed emergency pursuant to Insurance Code section 11629.79. The establishment of rates in this rulemaking is exempt under the APA "rates, prices, and tariffs" exemption of Government Code section 11340.9(g). This file institutes the Low Cost Automobile Insurance Program beginning June 1, 2006 for the following counties: Contra Costa, Imperial, Kern, Sacramento, San Joaquin, San Mateo, Santa Clara, and Stanislaus. The California Low Cost Automobile Insurance Program is a statutorily required plan for the equitable apportionment, among insurers required to participate in the California Automobile Assigned Risk Plan (CAARP) of persons residing in the specified counties who are eligible to purchase a low cost automobile insurance policy through the program established in those counties.

Title 10  
California Code of Regulations  
AMEND: 2498.6  
Filed 05/18/06  
Effective 06/01/06  
Agency Contact: Mary Ann Shulman (415) 538-4133

#### DEPARTMENT OF JUSTICE

##### Temporary Tables

This change without regulatory effect repeals section 2033 which requires owners of gambling establishments to use an incorporated by reference application form and to pay fees required by Business and Professions Code sections 19951 and 19952 if they want to apply to operate on a temporary and limited basis more tables than the gambling establishment is authorized. Section 2033 also sets time frames for submission to and decision by the Division and that the request for temporary tables will not be granted if the requested temporary increase in the number of tables will exceed the number of tables allowed to be operated by the local jurisdiction where the gambling establishment is located.

Title 11  
California Code of Regulations  
REPEAL: 2033  
Filed 05/22/06  
Effective  
Agency Contact: Heide Lange (916) 263-3392

#### DEPARTMENT OF JUSTICE

##### Chamber Load Indicators and Magazine Disconnects

Establishes standards for loaded chamber indicators and magazine disconnect safeties on semiautomatic pistols, implementing SB 489 of 2003.

Title 11  
California Code of Regulations  
AMEND: 968.44, 968.46  
Filed 05/22/06  
Effective 05/22/06  
Agency Contact: Jeff Amador (916) 227-3705

#### DEPARTMENT OF MENTAL HEALTH

##### Medi-Cal Specialty Mental Health Services

This action implements the second of three phases in the Medi-Cal managed mental health care program by adopting Chapter 11 Medi-Cal Specialty Mental Health Services.

Title 9  
California Code of Regulations  
ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205, 1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216  
Filed 05/19/06  
Effective 06/18/06  
Agency Contact: Steven Appel (916) 654-4027

#### DEPARTMENT OF MENTAL HEALTH

##### Mental Health Services Act

On December 30, 2005, the Department of Mental Health (DMH) submitted to the Office of Administrative Law (OAL), and OAL filed with the Secretary of State (SOS), an emergency regulatory action which implemented Proposition 63, the Mental Health Services Act. Section 5898 of the Welfare and Institutions Code provides that such regulations, if adopted in 2005, are deemed an emergency, exempt from the review of OAL, and shall remain in effect as emergency regulations for no more than one year. On January 13, 2006, DMH submitted an amendment to these emergency regulations, by way of a new subsection (b) to section 3400, which was approved by OAL and filed with the SOS on January 23, 2006. Subsection (b) of section 3400 provides requirements for programs and/or ser-

vices provided with Mental Health Services Act funds. This regulatory filing is a readoption of this latter emergency amendment.

Title 9  
California Code of Regulations  
ADOPT: 3400  
Filed 05/24/06  
Effective 05/24/06  
Agency Contact: Steven Appel (916) 654-4027

#### DEPARTMENT OF MOTOR VEHICLES Administrative Fee for Vehicle Code Book

This proposed amendment changes the fee charged for the complete Vehicle Code from six dollars (\$6.00) to seven dollars (\$7.00) to accurately reflect the cost of publishing the volume.

Title 13  
California Code of Regulations  
AMEND: 425.01  
Filed 05/22/06  
Effective 06/21/06  
Agency Contact: Randi Calkins (916) 657-8898

#### DEPARTMENT OF PESTICIDE REGULATION Continuing Education for Private Applicators

This regulatory action establishes continuing education and certification requirements for private pesticide applicators. It implements and makes specific Food & Agriculture Code (FAC) §§14090-14099.5.

Title 3  
California Code of Regulations  
ADOPT: 6580, 6582, 6584  
Filed 05/23/06  
Effective 06/22/06  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

#### EMPLOYMENT TRAINING PANEL Set Employment Training/High Unemployment Areas

ETP proposes this action to update and clarify existing procedures and criteria for ETP funding of Special Employment Training (SET) and High Unemployment Area (HUA) training projects.

Title 22  
California Code of Regulations  
ADOPT: 4429 AMEND: 4409, 4400(hh) REPEAL:  
4400(ii)  
Filed 05/17/06  
Effective 06/16/06  
Agency Contact: Maureen Reilly (916) 327-5422

#### FISH AND GAME COMMISSION

##### Issuance of Permits to Take Animals Causing Damage

This amended regulation adds wild turkeys to the list of species which a landowner can kill if the animal is damaging or immediately threatening to damage the landowner's property. The Legislature amended the governing statute in 2004 to include wild turkeys, and the Department is amending the section for consistency purposes. The Department is also deleting the requirement that squirrels and beavers be tagged when killed and updating its form for permit application. Several other "clarifying" changes are proposed to the regulation and form required for submission to obtain a permit. Those changes include: excluding squirrels and beavers from tagging requirements, modifying the form to obtain a permit, deleting the references to bear traps and changing the address where reports from permittees are mailed.

Title 14  
California Code of Regulations  
AMEND: 401  
Filed 05/23/06  
Effective 05/23/06  
Agency Contact: Jon Snellstrom (916) 653-4899

#### NEW MOTOR VEHICLE BOARD

##### Hearing by Board or Administrative Law Judge

This rulemaking adopts one section and revises two others in title 13 of the CCR. Section 550.20 is added to make it clear that mail sent by the NMVB via certified mail is equivalent to mail sent via registered mail. Section 551.11 is being amended to make it clear that written settlement conference statements must be served on the opposing party (or parties). It also mandates that an original proof of service be received by the NMVB along with a copy of the written settlement conference. The final amendment is to section 551.12. This amendment changes the timeline for filing a peremptory challenge as well as some non-substantive changes.

Title 13  
California Code of Regulations  
ADOPT: 550.20 AMEND: 551.11, 551.12  
Filed 05/18/06  
Effective 06/17/06  
Agency Contact:  
Howard Weinberg (916) 445-2080

#### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT Chemicals Causing Reproductive Toxicity

This action establishes the Proposition 65 Safe Drinking Water and Toxic Enforcement Act of 1986 "No Observable Effect Level" (NOEL) on reproductive toxicity for Di(2-ethylhexyl) phthalate (DEHP). This



action is the resubmittal of previously disapproved CAL file number 05-1027-05S.

Title 22  
California Code of Regulations  
AMEND: 12805  
Filed 05/19/06  
Effective 06/18/06  
Agency Contact: Susan Luong (916) 327-3015

**SECRETARY OF STATE**  
Advance Health Care Directive Registry

This regulatory action deals with the registration of advance health care directives ("AHCD") with the Secretary of State. An AHCD allows a person to indicate his or her desire with respect to receiving health care and to designate an individual to make decisions regarding health care if the person is unable to make his or her desires known due to his or her medical condition. The proposed regulations establish definitions, registration procedures, the information to be provided when registering, registration fees, and procedures for verifying the identity of authorized persons requesting registered AHCD information.

Title 2  
California Code of Regulations  
ADOPT: 22610.1, 22610.2, 22610.3, 22610.4  
Filed 05/17/06  
Effective 07/01/06  
Agency Contact: Tony Miller (916) 653-0296

**STATE PERSONNEL BOARD**  
Voluntary Transfers Between Classes-Bargaining Unit 10 Employees

This rulemaking concerns the voluntary transfers between rank and file classifications designated into Bargaining Unit 10. This section (2 CCR 433.1) restricts the transfer of employees into Bargaining Unit 10 rank and file classes unless individuals meet the minimum educational requirement, as identified in the respective classification specifications. It also provides for the exemption of certain designated classifications from the transfer restriction. This rulemaking deletes four classifications from those exempted from the transfer restriction.

Title 2  
California Code of Regulations  
AMEND: 433.1  
Filed 05/24/06  
Effective 05/24/06  
Agency Contact: Bruce Monfross (916) 653-1403

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN DECEMBER 21, 2005 TO  
MAY 24, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

03/28/06 AMEND: 1395  
03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55  
12/29/05 AMEND: 1038

**Title 2**

05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560  
05/24/06 AMEND: 433.1  
05/17/06 ADOPT: 22610.1, 22610.2, 22610.3, 22610.4  
05/15/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, Form SAB 50-04  
05/08/06 AMEND: 18537.1  
04/24/06 AMEND: 20108.70, Division 7  
04/10/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80  
04/04/06 ADOPT: 18215.1 AMEND: 18225.4, 18428  
03/14/06 ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3  
AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66  
03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8  
02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4  
02/21/06 ADOPT: 18371  
02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554, 2555, 2556  
02/21/06 ADOPT: 18361.10  
02/21/06 AMEND: 2320(a) (2)  
02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700  
01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150

# CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 22-Z

01/24/06 REPEAL: 649.23, 649.25, 649.26,  
649.27  
01/23/06 AMEND: 18351  
01/20/06 AMEND: 1897  
01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300  
01/17/06 ADOPT: 560 REPEAL: 560  
12/29/05 AMEND: 18329.5, 18701, 18751  
12/21/05 AMEND: 599.960, 599.961

## Title 3

05/23/06 ADOPT: 3424  
05/23/06 ADOPT: 6580, 6582, 6584  
05/19/06 AMEND: 3433(b)  
05/18/06 AMEND: 3591.12(a)  
05/18/06 ADOPT: 1472.7.2 AMEND: 1472,  
1472.4  
05/11/06 AMEND: 3591.19  
04/28/06 AMEND: 1380.19, 1420.10  
04/27/06 AMEND: 3406(b)  
04/13/06 AMEND: 1446.4, 1454.10, 1462.10  
04/11/06 AMEND: 3700(c)  
04/11/06 AMEND: 3700(c)  
04/10/06 AMEND: 3406(b)  
03/30/06 AMEND: 3406(b)  
03/28/06 AMEND: 3406(b)  
03/23/06 ADOPT: 6310 AMEND: 6170  
03/07/06 AMEND: 3700(c)  
03/01/06 AMEND: 3406(b)  
02/22/06 AMEND: 3406(b)  
02/21/06 AMEND: 3700(c)  
02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND:  
3591.19(a)  
02/21/06 AMEND: 3433(b)  
02/16/06 ADOPT: 3433  
02/07/06 AMEND: 6502  
02/02/06 AMEND: 3700(c)  
01/12/06 AMEND: 6393, 6394, 6395, 6396  
12/28/05 ADOPT: 6576, 6950  
12/28/05 AMEND: 3406(b)

## Title 4

05/18/06 ADOPT: 12358  
05/05/06 AMEND: 150  
03/24/06 ADOPT: 10175, 10176, 10177, 10178,  
10179, 10180, 10181, 10182, 10183,  
10184, 10185, 10186, 10187, 10188,  
10189, 10190, 10191  
03/23/06 ADOPT: 10302(bb), 10305(d), 10305(e),  
10315(d), 10315(j), 10320(b), 10322(e),  
10325(c), 10325(c)(3)(K), 10325(c)(6),  
10325(c)(8), 10325(c)(12), 10325(f)(7),  
10325(f)(10), 10325(g)(5)(B)(ii),  
10325(g)(5)(B)(iv), 10325(g)(5)(B)(v),  
10326(g)(6), 1036(g)(7)  
02/28/06 AMEND: 4143

01/25/06 ADOPT: 12002, 12004, Appendix A  
AMEND: 12100, 12200, 12220, 12300  
01/20/06 ADOPT: 1843.6  
01/09/06 ADOPT: 1690.1  
01/09/06 ADOPT: 1902.5  
12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074,  
8076  
12/21/05 ADOPT: 12359

## Title 5

05/15/06 ADOPT: 11987, 11987.1, 11987.2,  
11987.3, 11987.4, 11987.5, 11987.6,  
11987.7  
05/12/06 AMEND: 19819, 19851  
04/28/06 AMEND: 51026, 53206, 54024, 54100,  
54616, 54700, 54706, 55005, 55160,  
55300, 55316, 55316.5, 55320, 55321,  
55322, 55340, 55350, 55401, 55403,  
55404, 55512, 55522, 55530, 55605,  
55675, 55753.5, 55753.7, 56000, 56050,  
56062, 56200, 56201, 56202, 56204,  
04/04/06 AMEND: 42920  
04/04/06 AMEND: 11704  
03/16/06 ADOPT: 15566, 15567, 15568, 15569  
03/16/06 ADOPT: 1207.1, 1207.2 AMEND:  
1204.5  
03/15/06 AMEND: 51000, 51022, 51023, 51100,  
51102, 53407, 53410.1, 53413, 53501,  
54010, 54041, 54050, 54200, 54220,  
54300, 54600, 54604, 54608, 54610,  
54612, 54626, 54630, 55002, 55231,  
55402, 55405, 55534, 55600, 55602,  
55630, 55720, 55729, 55756.5, 55761,  
5580  
02/17/06 ADOPT: 19827 AMEND: 19814,  
19814.1, 19851, 19853  
01/19/06 ADOPT: 11987, 11987.1, 11987.2,  
11987.3, 11987.4, 11987.5, 11987.6,  
11987.7  
12/30/05 AMEND: 58050, 58164, 58168, 58170,  
58172  
12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684,  
4685, 4686, 4687 AMEND: 4600, 4610,  
4611, 4620, 4621, 4622, 4630, 4631,  
4632, 4633, 4640, 4650, 4651, 4660,  
4662, 4663, 4664, 4665, 4670, 4910  
REPEAL: 4661, 4671

## Title 8

04/19/06 AMEND: 3395  
04/17/06 AMEND: 2320.4(a)(3)  
04/11/06 ADOPT: 32613 AMEND: 32130, 32135,  
32140, 32155, 32190, 32325, 32350,  
32400, 32450, 32500, 32602, 32604,  
32605, 32607, 32609, 32615, 32620,

	32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130		3200.140, 3200.150, 3200.160, 3310, 3400,3405,3410,3415
04/04/06	ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110,6115,6120 REPEAL: 1200, 1204	<b>Title 10</b>	
04/03/06	AMEND: 1720	05/18/06	AMEND: 2498.6
03/22/06	AMEND: 9701,9702,9703	04/28/06	ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24
03/15/06	AMEND: 1710(f)	04/20/06	AMEND: 2498.5
03/14/06	ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784	04/18/06	AMEND: 2498.4.9
02/28/06	AMEND: 1644	04/18/06	AMEND: 2498.4.9
02/27/06	AMEND: 3637, 3638, 3639, 3640, 3642, 3646	03/30/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
02/22/06	ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12	03/24/06	ADOPT: 2498.6
02/14/06	AMEND: 31100	03/24/06	REPEAL: 2546, 2546.1, 2546.2, 2546.3, 2546.4, 2546.5, 2546.6, 2546.7, 2546.8
02/09/06	AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463	03/09/06	AMEND: 2697.6
02/09/06	ADOPT: 296.0 296.1, 296.2, 296.3, 296.4 AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0	02/28/06	ADOPT: 2713, 2715.5, 2797, 2841.5, 3012.3 AMEND: 2716.5, 2770, 2791, 2792.32, 2795.1, 2846.1, 2846.5, 2846.7, 2849.01, 2930 REPEAL: 2708, 2709, 2821, 2822
01/27/06	AMEND: 100, 102	02/27/06	AMEND: 2632.5 (c) (1) (A)
01/27/06	AMEND: 1518	02/09/06	AMEND: 2699.6600
01/25/06	AMEND: 1635	01/31/06	ADOPT: 310.100.4, 310.114.4 AMEND 310.101
<b>Title 9</b>		01/25/06	ADOPT: 2025, 2026, 2027, 2028, 2029, 2030
05/24/05	ADOPT: 3400	01/23/06	AMEND: 2698.99
05/19/06	ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205, 1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216	01/23/06	ADOPT: 2592, 2592.01, 2592.02, 2592.03, 2592.04, 2592.05, 2592.06, 2592.07, 2592.08, 2592.09, 2592.10, 2592.11, 2592.12, 2592.13, 2592.14
04/19/06	AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070, 10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195	01/20/06	AMEND: 2498.6
01/23/06	AMEND: 3400	12/28/05	AMEND: 2498.5
01/19/06	AMEND: 400	<b>Title 11</b>	
12/30/05	ADOPT: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130,	05/23/06	AMEND: 1002(c)
		05/22/06	AMEND: 968.44, 968.46
		05/22/06	REPEAL: 2033
		05/12/06	AMEND: 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910
		03/15/06	AMEND: 351, 357, 371, 376, 377, 378, 380
		02/22/06	AMEND: 51.19
		02/09/06	AMEND: 1001, 1015 REPEAL: 1020, 1021
		01/31/06	ADOPT: 64.2
		01/19/06	AMEND: 1005
		01/11/06	ADOPT: 116.2
		01/09/06	AMEND: 999.1, 999.2, 999.3, 999.4

# CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 22-Z

12/22/05	AMEND: 1005, 1007, 1008, D-1, D-10, D-14	4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04
<b>Title 12</b>		
04/10/06	AMEND: 453.1	
<b>Title 13</b>		
05/22/06	AMEND: 425.01	03/28/06 AMEND: 187
05/22/06	ADOPT: 86500, 86501	03/27/06 AMEND: 163.1
05/18/06	ADOPT: 550.20 AMEND: 551.11, 551.12	03/22/06 AMEND: 119, Appendix A
05/02/06	ADOPT: 345.07 AMEND: 345.06	03/20/06 ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90, 27.95
04/04/06	AMEND: 423.00	03/20/06 AMEND: 27.82
03/24/06	AMEND: 156.00	03/02/06 ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71
03/24/06	AMEND: 590	03/01/06 AMEND: 851.23
02/22/06	AMEND: 345.39, 345.45, 345.56, 345.78	02/23/06 AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850
02/22/06	ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72	02/10/06 AMEND: 895, 895.1, 1038, 1038(f)
02/15/06	ADOPT: 1971.1	02/09/06 ADOPT: 18459.1.2, Forms 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1&2
02/14/06	ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13 AMEND: 330.08, 345.65 REPEAL: 330.10, 345.67	02/08/06 AMEND: 2310
01/31/06	ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4 AMEND: 1956.1, 2020, 2021 REPEAL: 1956.2, 1956.3, 1956.4	12/22/05 AMEND: 11900
01/30/06	AMEND: 77.05, 77.10, 77.15, 77.16, 77.17	<b>Title 15</b>
01/18/06	AMEND: 553.70	05/22/06 ADOPT: 3043.7 AMEND: 3043.1, 3327, 3328
01/13/06	AMEND: 2467, 2467.1	05/16/06 AMEND: 3999.1.10, 3999.1.8
01/12/06	ADOPT: 1875	05/16/06 AMEND: 3999.2
01/12/06	AMEND: 970	05/01/06 AMEND: 2510, 2511, 2512, 2513
<b>Title 14</b>		04/24/06 ADOPT: 3054.1, 3054.2, 3054.3, 3054.4, 3054.5, 3054.6 AMEND: 3050, 3051, 3052, 3053, 3054
05/23/06	AMEND: 401	03/27/06 AMEND: 3176.3
05/17/06	AMEND: 182	01/25/06 AMEND: 3482
05/11/06	AMEND: 27.80	01/19/06 AMEND: 3370
05/08/06	ADOPT: 1299	01/17/06 AMEND: 3000, 3062, 3075, 3210
04/21/06	AMEND: 27.60, 28.59	<b>Title 16</b>
04/17/06	AMEND: 791.7, 793, 795	05/22/06 AMEND: 152
04/11/06	AMEND: 18454, 18456, 18456.3, CIWMB form 60	05/12/06 AMEND: 1388, 1388.6, 1389, 1392
04/10/06	AMEND: 630	05/01/06 AMEND: 8.1, 12, 12.5, 21, 69
04/03/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72	04/17/06 AMEND: 1399.465
04/03/06	ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15,	04/17/06 AMEND: 3353
		03/29/06 ADOPT: 1399.159.01 AMEND: 1399.159, 1399.159.1 REPEAL: 1399.159.4
		03/21/06 AMEND: 1914, 1918, 1920, 1950, 1983, 1991, 1993, 1998
		03/14/06 REPEAL: 1530
		03/13/06 ADOPT: 1399.25
		03/13/06 REPEAL: 1515
		03/13/06 ADOPT: 1034.1 AMEND: 1021, 1028, 1034



03/10/06	AMEND: 1566, 1566.1	05/12/06	ADOPT: 64442, 64443, 64447.3
03/09/06	AMEND: 3351.3 and 3351.4		AMEND: 64415 REPEAL: 64441, 64443
03/02/06	ADOPT: 2524.1, 2579.11	05/10/06	ADOPT: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50961, 50965 AMEND: 50962, 50963, 50964 REPEAL: 50960, 50961
02/27/06	AMEND: 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.6	05/08/06	AMEND: 96010
02/24/06	AMEND: 3008, 3031, 3062.1	04/20/06	AMEND: 70577, 70717, 71203, 71517, 71545
02/21/06	AMEND: 1833.1, 1870, 1870.1	04/19/06	ADOPT: 4400(kk) REPEAL: 4414
02/07/06	ADOPT: 1379.19	04/12/06	AMEND: 4416
01/12/06	AMEND: 1313.01	03/24/06	ADOPT: 110056, 110060, 100604, 110100, 110112, 110116, 110124, 110144, 110148, 110156, 110160, 110168, 110204, 110224, 110228, 110232, 110244, 110248, 110246, 110280, 110288, 110296, 110307, 110311, 110315, 110319, 110323, 110347, 110355, 110383, 110410
01/05/06	AMEND: 1399.710	03/23/06	AMEND: 926-3, 926-4, 926-5
12/30/05	AMEND: 1820, 1970.4, 1991, 1996	03/20/06	AMEND: 66264.147, 66264.151, 66265.147
12/30/05	AMEND: 119.6, 120	03/09/06	ADOPT: 12900
12/27/05	AMEND: 3005	03/07/06	AMEND: 100058, 100066, 100078, 100079
<b>Title 17</b>		02/02/06	AMEND: 97170, 97172, 97174, 97178, 97180, 97184, 97188, 97190, 97198
05/15/06	AMEND: 60201	01/31/06	ADOPT: 66250.1, 66250.2
04/20/06	ADOPT: 93119	01/23/06	AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501
04/17/06	AMEND: 70100, 70100.1, 70200, Incorporated Documents	01/20/06	AMEND: 4448
04/10/06	ADOPT: 30346.11, 30346.12 AMEND: 30345.2, 30346.6, 30348.3	01/17/06	AMEND: 14000
12/29/05	ADOPT: 30105	01/17/06	AMEND: 12000
<b>Title 18</b>		12/30/05	ADOPT: 67384.1, 67384.2, 67384.3, 67384.4, 67384.5, 67384.6, 67384.7, 67384.8, 67384.9, 67384.10, 67384.11
04/24/06	ADOPT: 19591 AMEND: 19513, 19524	12/27/05	ADOPT: 66262.44 AMEND: 66261.111, 66262.10
04/20/06	AMEND: 1707	<b>Title 23</b>	
04/20/06	AMEND: 4905	04/25/06	ADOPT: 2919
02/09/06	AMEND: 4055, 4056, 4057, 4058, 4059, 4060, 4061	04/25/06	ADOPT: 3948
01/10/06	AMEND: 1584	04/10/06	ADOPT: 2917 AMEND: 2914.5
12/29/05	AMEND: 1620	03/28/06	ADOPT: 3944.2
12/27/05	ADOPT: 1823.4	03/22/06	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37
<b>Title 20</b>		03/13/06	ADOPT: 3939.21
01/12/06	AMEND: 79, 80		
01/03/06	ADOPT: 1362, 1363.1, 1363.2, 1365.1, Appendix C AMEND: 1364, 1366, 1368.1, 1369, 1370, Appendix A, Appendix B REPEAL: 1363, 1365, 1368, 1368.5		
12/30/05	AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608		
<b>Title 22</b>			
05/19/06	AMEND: 12805		
05/18/06	ADOPT: 64400.38, 64400.40, 64400.45, 64400.47, 64400.67, 64401.65, 64401.82, 64401.92, 64468.5, 64530, 64531, 64533, 64533.5, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536, 64536.2, 64536.4, 64536.6, 64537, 64537.2, 64537.4		
05/17/06	ADOPT: 4429 AMEND: 4409, 4400(hh) REPEAL: 4400(ii)		

**CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 22-Z**

---

02/01/06	ADOPT: 3989.3		42-711, 42-712, 42-713, 42-715,
01/20/06	ADOPT: 3939.17		42-716, 42-718, 42-719, 42-720,
12/27/05	ADOPT: 3939.16		42-721, 42-722, 42-802, 42-1009,
<b>Title 25</b>			42-1010, 44-111, 63-407 REPEAL:
05/15/06	AMEND: 6932		42-710
04/24/06	AMEND: Adding a title to Ch. 7,	02/10/06	AMEND: 63-103.2, 63-300.5,
	Subchapter 21		63-402.229, 63-503.441, 63-509(b),
02/07/06	AMEND: 1001		63-509(c), 63-801.737(QR)
<b>Title 27</b>		01/23/06	AMEND: 42-101
01/13/06	ADOPT: 15241, 15242	01/12/06	AMEND: 11-400, 11-402, 11-403, and
<b>Title MPP</b>			11-406
04/03/06	AMEND: 11-501, 42-302, 42-701,		